

Remarks/Arguments

Reconsideration of this application in light of the foregoing amendments and the following remarks is requested.

Claims 1-16 are presently canceled without prejudice or disclaimer. New claims 17-60 are presently added. Thus, claims 17-60 are currently pending in the present application.

Objections to the specification and claims

Several paragraphs and claims of the present application were objected to due to alleged informalities. While the Applicants do not necessarily agree, these paragraphs and claims have been either amended or canceled, although solely in an effort to expedite prosecution, and without amending the subject matter thereof. Therefore, the Applicants respectfully request the objections be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1-16

Claims 1-16 were rejected under 35 U.S.C. §103(a) as being unpatentable over P.C.T. Application No. WO 00/39994 by Abdollahi ("Abdollahi"). However, as provided above, claims 1-16 are presently canceled without prejudice or disclaimer, thus rendering moot the §103(a) rejection, at least with respect to these claims. Nonetheless, as described below, new claims 17-60 should also not be rejected under §103(a) in view of Abdollahi.

New Claim 17

Claim 17 recites:

17. (New) A method, comprising:
 employing a plurality of integrated access devices to
 multiplex a plurality of packetized signals from ones of a plurality
 of network terminals onto ones of a plurality of channels of a
 network switch component, wherein:
 the plurality of network terminals is greater than the
 plurality of channels of the network switch component; and
 the plurality of integrated access devices are
 connected to the network switch component by a plurality

of integrated access devices lines that is not less than the plurality of channels of the network switch component.

It is submitted that, in the present case, Abdollahi cannot factually support a *prima facie* case of obviousness for the following mutually exclusive reasons.

35 U.S.C. §103 provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Abdollahi does not teach employing a plurality of integrated access devices to multiplex a plurality of packetized signals from ones of a plurality of network terminals onto ones of a plurality of channels of a network switch component, wherein: the plurality of network terminals is greater than the plurality of channels of the network switch component; and the plurality of integrated access devices are connected to the network switch component by a plurality of integrated access devices lines that is not less than the plurality of channels of the network switch component.

The Examiner indicated (on page 3 of the Office Action) that Abdollahi discloses: (1) providing a plurality of subscriber lines coupled to integrated access devices; (2) providing a plurality of integrated access device lines between the integrated access devices and a central office switch; (3) multiplexing the plurality of subscriber lines by the integrated access devices onto the integrated access device lines; and (4) providing a reorder tone to any subscriber whose call is blocked. However, such disclosure does not include all of the limitations of new claim 17.

Thus, for this mutually exclusive reason, Abdollahi does not support a *prima facie* case of obviousness, and any rejection under 35 U.S.C. §103 in view of Abdollahi is not applicable to claim 17.

Therefore, for these mutually exclusive reasons, the burden of factually supporting a *prima facie* case of obviousness clearly cannot be met, and any rejection under 35 U.S.C. §103 in view of Abdollahi is not applicable to new independent claim 17 nor its dependent claims 18-36.

New Claim 37

Claim 37 recites:

37. (New) An apparatus, comprising:
means for multiplexing a plurality of packetized signals
from ones of a plurality of network terminals onto ones of a
plurality of channels of a network switch component, wherein:
the plurality of network terminals is greater than the
plurality of channels of the network switch component;
the multiplexing means includes at least one of a
plurality of integrated access devices; and
the plurality of integrated access devices are
connected to the plurality of channels of the network switch
component by a plurality of integrated access device lines
that is not less than the plurality of channels.

It is submitted that, in the present case, Abdollahi cannot factually support a *prima facie* case of obviousness for the following mutually exclusive reasons.

35 U.S.C. §103 provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Abdollahi does not teach an apparatus comprising means for multiplexing a plurality of packetized signals from ones of a plurality of network terminals onto ones of a plurality of channels of a network switch component, wherein: the plurality of network terminals is greater than the plurality of channels of the network switch component; the multiplexing means includes at least one of a plurality of integrated access devices; and the

plurality of integrated access devices are connected to the plurality of channels of the network switch component by a plurality of integrated access device lines that is not less than the plurality of channels.

The Examiner indicated (on page 3 of the Office Action) that Abdollahi discloses: (1) providing a plurality of subscriber lines coupled to integrated access devices; (2) providing a plurality of integrated access device lines between the integrated access devices and a central office switch; (3) multiplexing the plurality of subscriber lines by the integrated access devices onto the integrated access device lines; and (4) providing a reorder tone to any subscriber whose call is blocked. However, such disclosure does not include all of the limitations of new claim 37.

Thus, for this mutually exclusive reason, Abdollahi does not support a *prima facie* case of obviousness, and any rejection under 35 U.S.C. §103 in view of Abdollahi is not applicable to claim 37.

Therefore, for these mutually exclusive reasons, the burden of factually supporting a *prima facie* case of obviousness clearly cannot be met, and any rejection under 35 U.S.C. §103 in view of Abdollahi is not applicable to new independent claim 37 nor its dependent claims 38-49.

New Claim 50

Claim 50 recites:

50. (New) An apparatus, comprising:
means for switching packetized signals multiplexed from ones of a plurality of network terminals onto ones of a plurality of revenue traffic channels, wherein:

the plurality of network terminals is greater than the plurality of revenue traffic channels;

the packetized signals are multiplexed from ones of the plurality of network terminals onto ones of a plurality of integrated access devices lines by ones of a plurality of integrated access devices;

the plurality of integrated access devices are connected to the plurality of revenue traffic channels by the plurality of integrated access device lines; and

the plurality of integrated access device lines is not less than the plurality of revenue traffic channels.

It is submitted that, in the present case, Abdollahi cannot factually support a *prima facie* case of obviousness for the following mutually exclusive reasons.

35 U.S.C. §103 provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. However, Abdollahi does not teach an apparatus comprising means for switching packetized signals multiplexed from ones of a plurality of network terminals onto ones of a plurality of revenue traffic channels, wherein: the plurality of network terminals is greater than the plurality of revenue traffic channels; the packetized signals are multiplexed from ones of the plurality of network terminals onto ones of a plurality of integrated access devices lines by ones of a plurality of integrated access devices; the plurality of integrated access devices are connected to the plurality of revenue traffic channels by the plurality of integrated access device lines; and the plurality of integrated access device lines is not less than the plurality of revenue traffic channels.

The Examiner indicated (on page 3 of the Office Action) that Abdollahi discloses: (1) providing a plurality of subscriber lines coupled to integrated access devices; (2) providing a plurality of integrated access device lines between the integrated access devices and a central office switch; (3) multiplexing the plurality of subscriber lines by the integrated access devices onto the integrated access device lines; and (4) providing a reorder tone to any subscriber whose call is blocked. However, such disclosure does not include all of the limitations of new claim 50.

Thus, for this mutually exclusive reason, Abdollahi does not support a *prima facie* case of obviousness, and any rejection under 35 U.S.C. §103 in view of Abdollahi is not applicable to claim 50.

Therefore, for these mutually exclusive reasons, the burden of factually supporting a *prima facie* case of obviousness clearly cannot be met, and any rejection under 35 U.S.C. §103 in view of Abdollahi is not applicable to new independent claim 50 nor its dependent claims 51-60.

General Comments

The Examiner also indicated that segment and reassembly devices are part of the standardized ATM communications protocol, and that VoDSL and AAL2 type ATM traffic are also standardized communications protocols. Thus, the Examiner alleges, it would have been obvious to one skilled in the art at the time of the invention to implement these protocols using the local switch in Abdollahi, because doing so would allow Abdollahi to conform to an already existing standard, thereby making the system more flexible and versatile.

The Applicants respectfully traverse this argument, as it would not have been obvious to one skilled in the art at the time of the invention to implement the local switch in Abdollahi in manners compliant with ATM, VoDSL, or AAL2 type traffic/protocol. Those skilled in the art readily acknowledge that it is exactly this nonobviousness which drove network operators to utilize the transition network shown in Fig. 1 of the present application.

As provided in MPEP §2143.01, obviousness can only be established by modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the reference or in the knowledge generally available to one of ordinary skill in the art. The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. In the present case, both “the knowledge of one of ordinary skill in the art” and “the nature of the problem to be solved as a whole” suggested to those of ordinary skill in the art to utilize a transition network such as that shown in Fig. 1 of the present application, in contrast to the implementation asserted by the Examiner to be obvious.

The Applicants also respectfully acknowledge that, as provided in §MPEP 2144.03, it is never appropriate for §103 rejections to be based on “common knowledge” in the art without evidentiary support in the record. The Applicants also respectfully note that the current record includes no evidentiary support for the Examiner’s proposed implementation, particularly any evidentiary support antedating the priority date of the present application. In contrast, apart from the disclosure pertinent to the currently pending claims, it appears that all remaining evidentiary support currently of record in the present application supports only the institution of the

transition network shown in Fig. 1 of the present application. Thus, there is no evidentiary support in the current record for the Examiner's premise underlying the §103 rejection.

In the above context, the courts have repeatedly held that obviousness cannot be established by modifying the teachings of the prior art to produce the claimed invention absent some teaching, suggestion or incentive supporting the modification. In the present case it is clear that the suggested modification of Abdollahi arises solely from hindsight based on the pending claims without any showing, suggestion, incentive, or motivation in any reference for the proposed modification.

Therefore, for these mutually exclusive reasons, the burden of factually supporting a *prima facie* case of obviousness clearly cannot be met, and any rejection under 35 U.S.C. §103 in view of Abdollahi is not applicable to new independent claims 17, 37, and 50, nor to new dependent claims 18-36, 38-49, and 51-60, dependent thereon.

Conclusion

It is clear from all of the foregoing that independent claims 17, 37, and 50 are in condition for allowance. Dependent claims 18-36, 38-49, and 51-60 depend from and further limit independent claims 17, 37, or 50 and, therefore, are allowable as well.

An early formal notice of allowance of claims 17-60 is requested.

Respectfully submitted,



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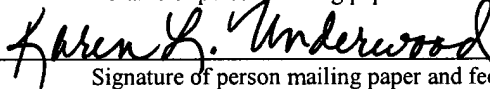
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